

86545.1

KALOW & SPRINGUT LLP
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To: **COMMISSIONER FOR PATENTS**
GROUP ART UNIT 1754
ATTENTION: Group Director MICHAEL BALL

Fax No.: (703) 872-9306

From: Tor Smeland, Esq.
Attorney for Applicants

Date: March 29, 2005

Pages: 21 (including cover page)

Re: Request for Withdrawal of Abandonment

Appl. Ser. No. 09/931,162
Filing Date: August 17, 2001
Applicants: MUSSMANN, L.. *et al.*
Art Unit: 1745

Transmitted Herewith:

Request for Withdrawal of Abandonment (3 pages)
Copy of Notice of Abandonment (3 pages)
Copy of Notice of Allowance and Fee(s) Due (7 pages)
Copy of Petition for Extension of Time filed Oct. 19, 2004 (1 page)
Copy of Amendment and Reply to Final Office Action filed Oct 19, 2004 (5 pages)
Copy of Check No. 8887 for \$980.00 dated Oct. 19, 2004 (1 page)

Certificate of Transmission Under 37 C.F.R. 1.8

I hereby certify that this correspondence is being facsimile transmitted to the United States Patent and Trademark Office (Fax. No. (703) 872-9306) on the date shown below.

Tor Smeland
(Signature)

TOR SMELAND
(Printed Name of Person Signing Certificate)

29 MARCH 2005
(Date)

86534.1

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PATENT

MAR 29 2005

13326US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: MUSSMANN *et al.* Examiner: STRICKLAND, J.N.
Serial No.: 09/931,162 Group Art Unit: 1754
Filed: August 17, 2001
For: Oxygen storage material based on cerium oxide, a process for its
preparation and use
Customer No.: 23719

Kalow & Springut LLP
488 Madison Avenue, 19th Floor
New York, New York 10022

March 29, 2005

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

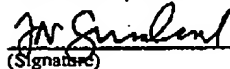
REQUEST FOR WITHDRAWAL OF ABANDONMENT

Sir:

This is a request for withdrawal of the Notice of Abandonment mailed on February 04, 2005 for this application, on the ground that the United States Patent and Trademark Office improperly abandoned this application. This Request includes a statement of the reasons that Applicant is entitled to have the Notice of Abandonment rescinded. The issue fee for this application is due on March 30, 2005.

Certificate of Transmission Under 37 C.F.R. 1.8

I hereby certify that this correspondence is being facsimile transmitted to the United States Patent and Trademark Office (Fax. No. 703-872-9306) on the date shown below.


(Signature)

T. R. SMELTAN
(Printed Name of Person Signing Certificate)

29 MARCH 2005
(Date)

Applicant: MUSSMANN *et al.*
Appl. Ser. No.: 09/931,162
Filing Date: August 17, 2001
Request for Withdrawal of Abandonment
March 29, 2005
Page 2 of 3

1. Applicants received a Notice of Abandonment for an alleged failure to timely pay the issue fee and publication fee within the statutory period of three months from the mailing date of the Notice of Allowance. A copy of the Notice of Abandonment is attached hereto.
2. The USPTO mailed a Notice of Allowance to Applicant's attorney on December 30, 2004. The issue fee due date is March 30, 2005.
3. The undersigned submits that in light of the issue fee due date of March 30, 2005, the Notice of Abandonment was improperly issued. Accordingly, Applicants request withdrawal of the Notice of Abandonment.
4. Between receipt of the Notice of Abandonment and the date of this Request, the undersigned has made in excess of ten telephone calls to USPTO employees in efforts to have the Notice of Abandonment withdrawn.
5. During one of the numerous telephone conversations with the USPTO, the undersigned was informed by the USPTO that the application was not abandoned for failure to pay the issue fee, but instead for failure to pay for an extension of time in connection with a response to a Final Office Action mailed on April 21, 2004, for which a reply was due with a three-month extension of time, and associated fee, on October 21, 2004.
6. The undersigned attorney timely filed a reply to the Final Office Action on October 19, 2004, by Express Mail, with a petition for a three month extension of time and including a check for the \$980.00 extension fee. A copy of the petition and the filed Amendment and Reply are attached.

Applicant: MUSSMANN *et al.*
Appl. Ser. No.: 09/931,162
Filing Date: August 17, 2001
Request for Withdrawal of Abandonment
March 29, 2005
Page 3 of 3

7. Both the petition and the Amendment and Reply requested that the USPTO charge Deposit Account No. 11-0171 for any underpayments or fees deemed due.
8. During one of the telephone conversations with the USPTO concerning the Notice of Abandonment, the USPTO informed the undersigned that the check for \$980.00 sent with Applicants' petition and Amendment and Reply by Express Mail on October 21, 2004 was returned to the USPTO for lack of funds, and that a notice was mailed to the Applicants' attorney. However, the files for this application in the undersigned's office, who is Applicants' attorney in this matter, do not reflect that such a notice was received.
9. Because the reply due on October 21, 2004 was timely filed on October 19, 2004 together with a request to charge Deposit Account No. 11-0171 for any fees deemed due (this request was included in both the petition and the Amendment and Reply filed on October 19, 2004), Applicants are entitled to a withdrawal of the Notice of Abandonment.

No fee is believed to be due with respect to the filing of this Request. If any additional fees are due, or an overpayment has been made, please charge, or credit, our Deposit Account No. 11-0171 for such sum. If the Examiner has any questions regarding the present application, the Examiner is cordially invited to contact Applicant's attorney at the telephone number provided below.

Respectfully submitted,



Tor Smeland
Registration No.: 43,131
Attorney for Applicant

Kalow & Springut LLP
Telephone No.: (212) 813-1600



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
 United States Patent and Trademark Office
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 Alexandria, Virginia 22313-1450
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/931,162	08/17/2001	Lothar Mussmann	33766W039	1475

7390

02/04/2005

David A. Kalow
 Kalow & Springut LLP
 488 Madison Avenue
 19th Floor
 New York, NY 10022

EXAMINER

STRICKLAND, JONAS N

ART UNIT

PAPER NUMBER

1754

DATE MAILED: 02/04/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

K&S PATENT DEPT.	
ENTERED	2/8/05
ACTION	
DUE	
	MD INITIAL

Notice of Abandonment

Application No.

09/931,162

Examiner

Jonas N. Strickland

Applicant(s)

MUSSMANN ET AL.


Art Unit

1754

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

This application is abandoned in view of:

1. ☐ Applicant's failure to timely file a proper reply to the Office letter mailed on _____.
 - (a) ☐ A reply was received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply (including a total extension of time of _____ month(s)) which expired on _____.
 - (b) ☐ A proposed reply was received on _____, but it does not constitute a proper reply under 37 CFR 1.113 (a) to the final rejection. (A proper reply under 37 CFR 1.113 to a final rejection consists only of: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114).
 - (c) ☐ A reply was received on _____ but it does not constitute a proper reply, or a bona fide attempt at a proper reply, to the non-final rejection. See 37 CFR 1.85(a) and 1.111. (See explanation in box 7 below).
 - (d) ☐ No reply has been received.
2. ☒ Applicant's failure to timely pay the required issue fee and publication fee, if applicable, within the statutory period of three months from the mailing date of the Notice of Allowance (PTOL-85).
 - (a) ☐ The issue fee and publication fee, if applicable, was received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the statutory period for payment of the issue fee (and publication fee) set in the Notice of Allowance (PTOL-85).
 - (b) ☐ The submitted fee of \$_____ is insufficient. A balance of \$_____ is due.
The issue fee required by 37 CFR 1.18 is \$_____. The publication fee, if required by 37 CFR 1.18(d), is \$_____.
 - (c) ☐ The issue fee and publication fee, if applicable, has not been received.
3. ☐ Applicant's failure to timely file corrected drawings as required by, and within the three-month period set in, the Notice of Allowability (PTO-37).
 - (a) ☐ Proposed corrected drawings were received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply.
 - (b) ☐ No corrected drawings have been received.
4. ☐ The letter of express abandonment which is signed by the attorney or agent of record, the assignee of the entire interest, or all of the applicants.
5. ☐ The letter of express abandonment which is signed by an attorney or agent (acting in a representative capacity under 37 CFR 1.34(a)) upon the filing of a continuing application.
6. ☐ The decision by the Board of Patent Appeals and Interference rendered on _____ and because the period for seeking court review of the decision has expired and there are no allowed claims.
7. ☐ The reason(s) below:


 STANLEY S. SILVER
 SUPERVISORY PATENT
 TECHNOLOGY CENTER

Petitions to revive under 37 CFR 1.137(a) or (b), or requests to withdraw the holding of abandonment under 37 CFR 1.181, should be promptly filed to minimize any negative effects on patent term.

U.S. Patent and Trademark Office
 DTAI 4432 (Rev. 11-01)

Notice of Abandonment

Part of Paper No. 012504



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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In re Application No. 09/931162

Filed: 08/17/2001

Title of Invention: Oxygen Storage Material Based Cerium Oxide, A Process For Its Preparation and Its Use

Applicant: Mussmann et al.

The Notice of Allowance and Fee(s) Due and the Notice of Allowability, mailed 12/20/2004, were mailed in error and are hereby vacated.

**Primary Examiner
Art Unit 1754**

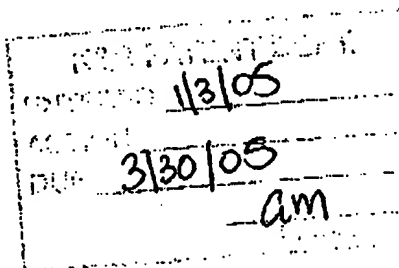


UNITED STATES PATENT AND TRADEMARK OFFICE

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NOTICE OF ALLOWANCE AND FEE(S) DUE

7590 12/30/2004
David A. Kalow
Kalow & Springut LLP
488 Madison Avenue
19th Floor
New York, NY 10022



EXAMINER	
STRICKLAND, JONAS N	
ART UNIT	PAPER NUMBER
1754	

DATE MAILED: 12/30/2004

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/931,162	08/17/2001	Lothar Mussmanni	3358433-13326	1475

TITLE OF INVENTION: OXYGEN STORAGE MATERIAL BASED ON CERUM OXIDE, A PROCESS FOR ITS PREPARATION AND ITS USE

APPLN. TYPE	SMALL ENTITY	ISSUE FEE	PUBLICATION FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	NO	\$1400	\$300	\$1700	03/30/2005

THE APPLICATION IDENTIFIED ABOVE HAS BEEN EXAMINED AND IS ALLOWED FOR ISSUANCE AS A PATENT. **PROSECUTION ON THE MERITS IS CLOSED.** THIS NOTICE OF ALLOWANCE IS NOT A GRANT OF PATENT RIGHTS. THIS APPLICATION IS SUBJECT TO WITHDRAWAL FROM ISSUE AT THE INITIATIVE OF THE OFFICE OR UPON PETITION BY THE APPLICANT. SEE 37 CFR 1.313 AND MPEP 1308.

THE ISSUE FEE AND PUBLICATION FEE (IF REQUIRED) MUST BE PAID WITHIN THREE MONTHS FROM THE MAILING DATE OF THIS NOTICE OR THIS APPLICATION SHALL BE REGARDED AS ABANDONED. **THIS STATUTORY PERIOD CANNOT BE EXTENDED.** SEE 35 U.S.C. 151. THE ISSUE FEE DUE INDICATED ABOVE REFLECTS A CREDIT FOR ANY PREVIOUSLY PAID ISSUE FEE APPLIED IN THIS APPLICATION. THE PTOL-85B (OR AN EQUIVALENT) MUST BE RETURNED WITHIN THIS PERIOD EVEN IF NO FEE IS DUE OR THE APPLICATION WILL BE REGARDED AS ABANDONED.

HOW TO REPLY TO THIS NOTICE:

I. Review the SMALL ENTITY status shown above.

If the SMALL ENTITY is shown as YES, verify your current SMALL ENTITY status:

- A. If the status is the same, pay the TOTAL FEE(S) DUE shown above.
- B. If the status above is to be removed, check box 5b on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and twice the amount of the ISSUE FEE shown above, or

If the SMALL ENTITY is shown as NO:

- A. Pay TOTAL FEE(S) DUE shown above, or
- B. If applicant claimed SMALL ENTITY status before, or is now claiming SMALL ENTITY status, check box 5a on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and 1/2 the ISSUE FEE shown above.

II. PART B - FEE(S) TRANSMITTAL should be completed and returned to the United States Patent and Trademark Office (USPTO) with your ISSUE FEE and PUBLICATION FEE (if required). Even if the fee(s) have already been paid, Part B - Fee(s) Transmittal should be completed and returned. If you are charging the fee(s) to your deposit account, section "4b" of Part B - Fee(s) Transmittal should be completed and an extra copy of the form should be submitted.

III. All communications regarding this application must give the application number. Please direct all communications prior to issuance to Mail Stop ISSUE FEE unless advised to the contrary.

IMPORTANT REMINDER: Utility patents issuing on applications filed on or after Dec. 12, 1980 may require payment of maintenance fees. It is patentee's responsibility to ensure timely payment of maintenance fees when due.

Complete and send this form, together with applicable fee(s), to: Mail

Mail Stop ISSUE FEE
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450
(703) 746-4000

or Fax

INSTRUCTIONS: This form should be used for transmitting the ISSUE FEE and PUBLICATION FEE (if required). Blocks 1 through 5 should be completed where appropriate. All further correspondence including the Patent, advance orders and notification of maintenance fees will be mailed to the current correspondence address as indicated unless corrected below or directed otherwise in Block 1, by (a) specifying a new correspondence address; and/or (b) indicating a separate "FEE ADDRESS" for maintenance fee notifications.

CURRENT CORRESPONDENCE ADDRESS (Note: Use Block 1 for any change of address)

7590

12/30/2004

David A. Kalow
Kalow & Springut LLP
488 Madison Avenue
19th Floor
New York, NY 10022

Note: A certificate of mailing can only be used for domestic mailings of the Fee(s) Transmittal. This certificate cannot be used for any other accompanying papers. Each additional paper, such as an assignment or formal drawing, must have its own certificate of mailing or transmission.

Certificate of Mailing or Transmission

I hereby certify that this Fee(s) Transmittal is being deposited with the United States Postal Service with sufficient postage for first class mail in an envelope addressed to the Mail Stop ISSUE FEE address above, or being facsimile transmitted to the USPTO (703) 746-4000, on the date indicated below.

(Depositor's name)
(Signature)
(Date)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/931,162	08/17/2001	Lothar Mussmann	33766W039	1475

TITLE OF INVENTION: OXYGEN STORAGE MATERIAL BASED ON CERIUM OXIDE, A PROCESS FOR ITS PREPARATION AND ITS USE

APPLN. TYPE	SMALL ENTITY	ISSUE FEE	PUBLICATION FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	NO	\$1400	\$300	\$1700	03/30/2005

EXAMINER	ART UNIT	CLASS-SUBCLASS
STRICKLAND, JONAS N	1754	502-304000

1. Change of correspondence address or indication of "Fee Address" (37 CFR 1.363).

- ☐ Change of correspondence address (or Change of Correspondence Address form PTO/SB/122) attached.
- ☐ "Fee Address" indication (or "Fee Address" Indication form PTO/SB/47; Rev 03-02 or more recent) attached. Use of a Customer Number is required.

2. For printing on the patent front page, list

- (1) the names of up to 3 registered patent attorneys or agents OR, alternatively,
- (2) the name of a single firm (having as a member a registered attorney or agent) and the names of up to 2 registered patent attorneys or agents. If no name is listed, no name will be printed.

1	_____
2	_____
3	_____

3. ASSIGNEE NAME AND RESIDENCE DATA TO BE PRINTED ON THE PATENT (print or type)

PLEASE NOTE: Unless an assignee is identified below, no assignee data will appear on the patent. If an assignee is identified below, the document has been filed for recordation as set forth in 37 CFR 3.11. Completion of this form is NOT a substitute for filing an assignment.

(A) NAME OF ASSIGNEE

(B) RESIDENCE: (CITY and STATE OR COUNTRY)

Please check the appropriate assignee category or categories (will not be printed on the patent): ☐ Individual ☐ Corporation or other private group entity ☐ Government

4a. The following fee(s) are enclosed:

- ☐ Issue Fee
- ☐ Publication Fee (No small entity discount permitted)
- ☐ Advance Order - # of Copies _____

4b. Payment of Fee(s):

- ☐ A check in the amount of the fee(s) is enclosed.
- ☐ Payment by credit card. Form PTO-2038 is attached.
- ☐ The Director is hereby authorized by charge the required fee(s), or credit any overpayment, to Deposit Account Number _____ (enclose an extra copy of this form).

5. Change in Entity Status (from status indicated above)

- ☐ a. Applicant claims SMALL ENTITY status. See 37 CFR 1.27.
- ☐ b. Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(g)(2).

The Director of the USPTO is requested to apply the Issue Fee and Publication Fee (if any) or to re-apply any previously paid issue fee to the application identified above. NOTE: The Issue Fee and Publication Fee (if required) will not be accepted from anyone other than the applicant; a registered attorney or agent; or the assignee or other party in interest as shown by the records of the United States Patent and Trademark Office.

Authorized Signature _____

Date _____

Typed or printed name _____

Registration No. _____

This collection of information is required by 37 CFR 1.311. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, Virginia 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.


UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/931,162	08/17/2001	Lothar Mussmann	33766W039	1475
7590	12/30/2004			

EXAMINER	
STRICKLAND, JONAS N	

ART UNIT	PAPER NUMBER
1754	

DATE MAILED: 12/30/2004

David A. Kalow
 Kalow & Springut LLP
 488 Madison Avenue
 19th Floor
 New York, NY 10022

Determination of Patent Term Adjustment under 35 U.S.C. 154 (b)
 (application filed on or after May 29, 2000)

The Patent Term Adjustment to date is 139 day(s). If the issue fee is paid on the date that is three months after the mailing date of this notice and the patent issues on the Tuesday before the date that is 28 weeks (six and a half months) after the mailing date of this notice, the Patent Term Adjustment will be 139 day(s).

If a Continued Prosecution Application (CPA) was filed in the above-identified application, the filing date that determines Patent Term Adjustment is the filing date of the most recent CPA.

Applicant will be able to obtain more detailed information by accessing the Patent Application Information Retrieval (PAIR) WEB site (<http://pair.uspto.gov>).

Any questions regarding the Patent Term Extension or Adjustment determination should be directed to the Office of Patent Legal Administration at (571) 272-7702. Questions relating to issue and publication fee payments should be directed to the Customer Service Center of the Office of Patent Publication at (703) 305-8283.

Notice of Allowability**Application No.**

09/931,162

Examiner

Jonas N. Strickland

Applicant(s)

MUSSMANN ET AL.

Art Unit

1754

— The MAILING DATE of this communication appears on the cover sheet with the correspondence address—
 All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the after-final amendment filed on 10/19/04.
2. ☒ The allowed claim(s) is/are claims 19-25.
3. ☒ The drawings filed on 17 August 2001 are accepted by the Examiner.
4. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☒ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|---|---|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____ |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____ | 7. <input type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____ |

Application/Control Number: 09/931,162

Page 2

Art Unit: 1754

Allowable Subject Matter

1. Claims 19-25 are allowed.
2. The following is an examiner's statement of reasons for allowance: The instantly claimed invention is allowable over the cited prior, because the cited prior art fails to disclose an oxygen storage material comprising cerium oxide with at least one other oxide of a component selected from the group consisting of silicon and zirconium, wherein the cerium oxide and the other said oxide are present in the form of a mixed oxide, comprising preparing a hydroxidic precursor of a mixed oxide of cerium and at least one of silicon or zirconium by a wet-chemical process, drying the precursors at a temperature from 80°C to 300°C with the formation of an oxide/hydroxide/carbonate dried mixture, treating the dried mixture under a hydrogen-containing atmosphere at a temperature from 600°C to 900°C for a period of 1 to 10 hours. The instant application also claims wherein the oxygen storage material has a loss on ignition of more than 6 wt% and a specific surface area of more than 140 m²/g, which is not taught by the prior art.

Suda et al. discloses a catalyst for purifying exhaust gases having excellent purifying performance by employing a particle comprising ceria and zirconia which has large oxygen storage capacity and high adsorption and discharge speed (see abstract). Suda et al. continues to disclose wherein the oxygen storage capacity is prepared using a wet-chemical route, drying the precipitate at a temperature not less than 100°C. The element as oxide is precipitated as hydroxide or oxide (p. 6, lines 52-56). Suda et al. also teaches wherein the dried mixture may be further heated in a hydrogen-containing

Application/Control Number: 09/931,162

Page 3

Art Unit: 1754

atmosphere at a temperature from 800-1300°C (p. 8, lines 25-57). Suda et al. continues to disclose wherein the mixed oxides may be heated in a range of 350-1200°C for 5 hours (p. 11, lines 45-48). Suda et al. continues to teach wherein the specific surface area is not less than 50 m²/g, which reads on being at least 140 m²/g (p. 6, lines 20-27). Suda et al. also teaches wherein the support base can be honeycomb-shaped, on which a noble metal is loaded, such as platinum (p. 9, lines 8-20). Suda et al. also teaches a weight ratio between Ce and Zr between 75/25 to 25/75 (p. 15, lines 45-49). Suda et al. fails to disclose the formation of an oxide/hydroxide/carbonate dried mixture.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion


3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jonas N. Strickland whose telephone number is 571-272-1359. The examiner can normally be reached on M-TH, 7:30-5:00, off 1st Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stanley Silverman can be reached on 571-272-1358. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Application/Control Number: 09/931,162
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